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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,497	02/10/2004	Blaine R. Bateman	38105.830026.US0	3233
26582	7590	04/08/2009		
HOLLAND & HART, LLP P.O BOX 8749 DENVER, CO 80201			EXAMINER KARACSONY, ROBERT	
			ART UNIT 2821	PAPER NUMBER
			MAIL DATE 04/08/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: BLAINE R. BATEMAN

Application No. 10/776,497
Technology Center 2800

Mailed: April 8, 2009

Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on March 4, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Examiner's Answer mailed October 27, 2008, under the heading "Grounds of rejection" are not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection of the claims as provided in the Examiner's Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified and any new grounds of rejection must be provided under a separate heading "New Grounds of Rejection" in the Examiner's Answer and must include the approval of the TC Director or his/her designee. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 and 1207.03 (8th ed. Rev. 6, Sept 2007) for details.

A review of the Examiner's Answer finds that it is unclear as to the status of the rejection of Claims 1-20 under 35 U.S.C. § 112, first paragraph as stated in the last Office action mailed September 17, 2007.

Clarification of the record is required for all "Grounds of Rejection to be Reviewed on Appeal" for all claims.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) clarify the status of rejected claims 1-20 under 35 U.S.C. § 112;
- 2) vacate the Examiner's Answer mailed October 27, 2008;
- 3) generate a new Examiner's Answer setting forth the correct Grounds of rejection and to correct other sections of the Answer as may be required;

4) include the approval of the TC Director or his/her designee (as required for any new grounds of rejection);

5) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWH/saw

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